IN RE:

PETITION FOR ADMIN. VARIANCE W/S Mt. Carmel Road, 660' W of

the c/l of Masemore Road (1112 Mt. Carmel Road) 7th Election District 3rd Councilmanic District

Donald K. Whitehurst, et ux

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 97-447-A

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance for that property known as 1112 Mt. Carmel Road, located in the vicinity of Masemore Road in northern Baltimore County. The Petition was filed by the owners of the property, Donald K and Shirley M. Whitehurst. The Petitioners seek relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 13 feet in lieu of the required 35 feet for a proposed 20' x 20' addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide Sufficient facts that comply with the requirements of Section 307.1 of the

ORDER RECEIVED FOR FILING

B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of May, 1997 that the Petition for Administrative Variance seeking relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 13 feet in lieu of the required 35 feet for a proposed 20' x 20' addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

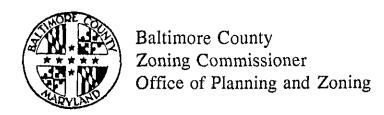
TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs





Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

Mr. & Mrs. Donald K. Whitehurst 1112 Mt. Carmel Road Parkton, Maryland 21120

RE: PETITION FOR ADMINISTRATIVE VARIANCE

W/S Mt. Carmel Road, 660' W of the c/l of Masemore Road

(1112 Mt. Carmel Road)

7th Election District - 3rd Councilmanic District

Donald K. Whitehurst, et ux - Petitioners

Case No. 97-447-A

Dear Mr. & Mrs. Whitehurst:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

weethy Notrow

for Baltimore County

TMK:bjs

cc: People's Counsel

File



### Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at

1112 Mt. Carmel Road

I/We do solemnly declare and affirm, under the penalties of penury, that I/we are the

**2aning Commissioner of Baltimore County** 

Thouga	tareigned legal ow	with the Office of Zor mer(s) of the property :	ituata i	n Baltimore Court	wand which	ı is desc	ribed in the	description and pl	at attached
hereto a	nd made a part here	eof, hereby petition for	a Varia	nce from Section(	s) (AOI	1.3.E	3,358	6.2R_ TO	PERMIZ
AS	IDEYAPO	oof, hereby petition for	OF	13tT. IN	LIEN	OF	THE	REDUIRE	35サ7
for A	orticon un	ON (BEOPOOL	$\sim$						

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) Practical Difficulty:

The proposed 20 ft. by 20 ft. addition will of necessity approach the property line and reduce the setback to

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			legal owner(s) of the brobetty which	
Contract Purchaser/Lessee:			Legal Owner(s):	
Type or Print Name)	······································		Donald Keith	Whitehurst
			Imald Karthu	
ignature			giðuginta .	
Address			Shirley Mear	s Whitehurst
adgress			Shirley Mea	w Whitehurst
City	State	Zipcode	Signature	
Attorney for Petitioner:				
Type or Print Name)		<del></del>	1112 Mt. Carmel	Rd. 410-357-875
Type or I mirriane,			/	1
			tarkton, Mary	land 21120 State Zipcode
Bignature			City Name, Address and phone number	
		,	D. WHITEHL	1257
Address	Phone	No.	Name SAME	
City	State	Zipcode	. Address	Pho <sub>ti</sub> e No

that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general

Printed with Soyboan Ink on Recycled Paper

circulation throughout Baltimore County, and that the property be reposted.

ESTIMATED POSTING DATE:

# Affidavit in support of 97-447-A Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1112 Mt. Carmel Rd.
Parkton, Maryland 21120 City State Zip Code
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)
Practical Difficulty:
The side lines of the lot are not perpendicular to the front
line of the lot (Mt. Carmel Rd.). The front wall of the house
is set parallel to the front line of the lot and the
house is square with the road. Any addition to the rear
of the house will approach the side line to the west and
reduce the setback. The proposed one room (including bath), one story
addition is intended to provide housing for handicapped elderly parents.
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.    Donald Keith Whitehurst (signature)
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:  1 HEREBY CERTIFY, this # day of APRIL , 1997, before me, a Notary Public of the State
of Maryland, in and for the County aforesaid, personally appeared
DONALD Keith Whitehurst AND SHIRLEY MEARS White HURST
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal.  4/4/97  date  AS WITNESS my hand and Notarial Seal.  Betty J. Selston  NOTARY PUBLIC
My Commission Expires: 10/1/00

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may be required to provide additional information.
Jonald Kar My hade the ( signature) Sherley Me are While hurst
Donald Keith Whitehurst Shirley Mears Whitehurst (type or print name)
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 4th day of APRIL 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
DONALD KEITH White hURST AND SHIRLEY MEARS While HURST
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal.  4/4/97  Detty J. Gelston
My Commission Expires: 10/1/00
My Continuesion Expires / / /



# Petition for Administrative Variance 97-447-A to the Zoning Commissioner of Baltimore County

for the property located at	
	which is presently zoned $R.C.2$
This Petition shall be filled with the Office of Zoning Administrate undersigned, legal owner(s) of the property situate in Baltin hereto and made a part hereof, hereby petition for a Variance from A SIDEYARD SETBACK OF 13ft.	ration & Development Management.  nore County and which is described in the description and plat attached.  m Section(s) 1AO1. 3. 8.3; BCZP, 70 PERM I  IN LIEU OF THE REQUIRED 35+T.
Practical difficulty- Practical difficulty- The proposed 20 ft. by 20 ft. a the property line and reduce Property is to be posted and advertised as prescri	
Contract Purchaser/Lessee:	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.  Legal Owner(s):
(Type or Print Name)	Donald Keith Whitehurst (Type or Print Name)  Pomble Kath Whathtur
Signature	Shirley Mears Whitehurst
Address	Shuley Meary Whitehurst
City State Zipcode  Attorney for Petitioner:	1112 Mt. Carmel Rd. 412-3511-8751
(Type or Print Name)	Address Phone No.  Parkton Maryland 21120 Clin State Zipcode
Signature	Name, Address and phone number of representative to be contacted.  D. WHITEHURET
Address Phone No.	Name SAME
City State Zipcode	. Address Phone No.

A Public Heating having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Battimare County, this \_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County



ESTIMATED POSTING DATE:



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### ZONING DESCRIPTION FOR 1112 Mt. Carmel Road

97-447-A

Beginning at a point on the north side of Mt. Carmel Road which is 50 feet wide at a distance of 660 feet west of the centerline of the nearest improved intersecting street Masemore Road which is 50 feet wide. As recorded in Deed Liber RRG No. 4188, Folio 104. Metes and bounds: N. 19'50" W 250 ft., N. 49'10" E 110 ft., S. 19'50" E 250 ft., and S. 49'10" W 110 ft. to the place of beginning.

447

MISCELLANEOU	& FINANCE No. S RECEIPT	
DATE_4-1.5	ACCOUNT ROO1-6150	
<u> </u>	AMOUNT \$ 50.00	
RECEIVED D. WII	MEHURST - 1112 M. CADUL ( F).	1, 14 min
FOR: 10 V/		
	<u> </u>	, ,

### **CERTIFICATE OF POSTING**

**Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue

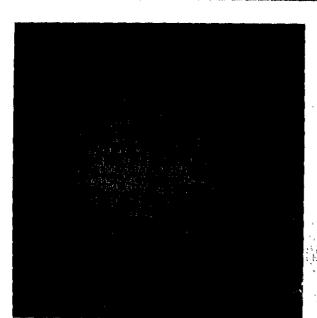
Attention: Ms. Gwendolyn Stephens

Towson, MD 21204

Ladies and Gentlemen:

The sign(s) were posted on \_

RE: Case No.: Petitioner/Developer: D. KEITH WHITEHURST, ETAL. Date of Henring/Closing: \_ This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at # 1112 MT. CARMEL RD. (Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) Patrick M. O'Keefe (Printed Name) 523 Penny Lane (Address) Hunt Valley, MD 21030 (City, State, Zip Code) Pager (410) 646-8354 1410) 666-5366 (Telephone Number)



Exindit A

\*PLANNERS FILL IN THE POSITING AND CLOSING DATES.

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than \_\_\_\_\* 4-27-97

Format for Sign Printing, Black Letters on a White Background:

### ZONING NOTICE

## ADMINISTRATIVE VARIANCE

Case No. 97-447-A

A VARIANCE FOR A SIDEMARD SETRACK OF 13th.

IN LIEU of THE REDVISES 35ft. FOR AN

ADDITION (BEDROOM).

### **PUBLIC HEARING?**

PURSUANT TO SECTION 26-127(b) (1), <u>BALTIMORE COUNTY CODE</u>. AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

#### PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

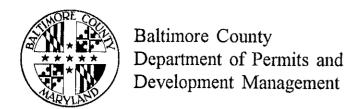
NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

(K)

AJ:ggs

(Revised 04/09/93)

ARNOLD JABLON, DIRECTOR



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

April 25, 1997

#### ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-447-A
1112 Mt. Carmel Road

W/S Mt. Carmel Road, 660' W of c/l Masemore Road

7th Election District - 3rd Councilmanic

Legal Owner(s): Donald Keith Whitehurst and Shirley Mears Whitehurst

Post by Date: 04/27/97

Closing Date: 05/12/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

PLEASE UNDERSTAND THE IS NOT THAT ON THE CLOSING DATE, PROCESS COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

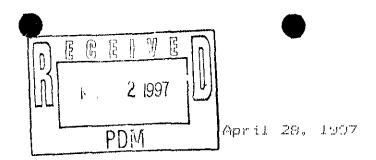
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Arnold Jablon Director

cc: Donald and Shirley Whitehurst



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Formold fablom, Director

/oming Administration and Development Management

Baltimore County Office Building

Towson, HD 21204

HAIL STOP-1105

HEL Property Owners SEE BILLOW

Location: DISTRIBUTION MEDITING OF April 28, 1997

Flem No.: SEE BELOW

Zoning Agenda:

tions lament

Pursuant to your request, the referenced property has been ourveyed by this Aureau and the comments below are upplicable and requested to be corrected or incorporated into the final plans for the property.

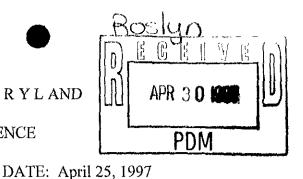
The Fire Aarchal's Office has no comments at this bime.
OF PERCENCE TO THE FOLLOWING ITEM NUMBERG:

440, 444, 445, 446, 447, 448, 449, 450, 451, 452, 457, 458, 459, 460, and 46:

REVIEWER: U.T. ROBERT P. SAUERWALD
Fire Marchal Office, PHONE 887-4881, MS-110PF

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE



TO: Arnold Jablon, Director
Department of Permits
and Development Management

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Cary C. Klens

Item Nos. 447, 451, 455, 457, 459, 460, and 461

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495

Prepared by:

Division Chief:

AFK/JL

#### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: May 5, 1997

Department of Permits & Development

Management

Mobert W. Bowling, Chief Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting

for May 5, 1997

zoning item, and we have no comments.

Item Nos. 443, 444, 445, 446, 447, 448, 451, 455, 457, 458, 459

and 460

The Development Plans Review Division has reviewed the subject

RWB:HJO:cab

cc: File

ZONE505.NOC

	Attach original petition	Due Date <u>5/5/97</u>
То:	Arnold L. Jablon	
From:	Bruce Seeley 35/	
Subject:	Zoning Item #447	
	Donald & Shirley Whitehur	st_112 Mount Carmel Road
	Zoning Advisory Committe	e Meeting of April 28, 1997
	Department of Environmenta nents on the above-referenc	ll Protection and Resource Management has no ed zoning item.
exten		Il Protection and Resource Management requests an ove-referenced zoning item to determine the extent to apply to the site.
	Department of Environmenta ring comments on the above	l Protection and Resource Management offers the e-referenced zoning item:
Nonecolombia		ty must comply with the Regulations for the Protection Wetlands and Floodplains (Sections 14-331 through punty Code).
***************************************		rty must comply with the Forest Conservation 101 through 14-422 of the Baltimore County Code).
		rty must comply with the Chesapeake Bay Critical Area 136 through 26-461, and other Sections, of the
_X_	Ground Water Mana	gement: The proposed addition must be a minimum of
	20 feet from the sept	ic system and 30 feet from the well.
	***	



David L. Winstead Secretary Parker F. Williams Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 4.25.27 Item No. 447

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US 139 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

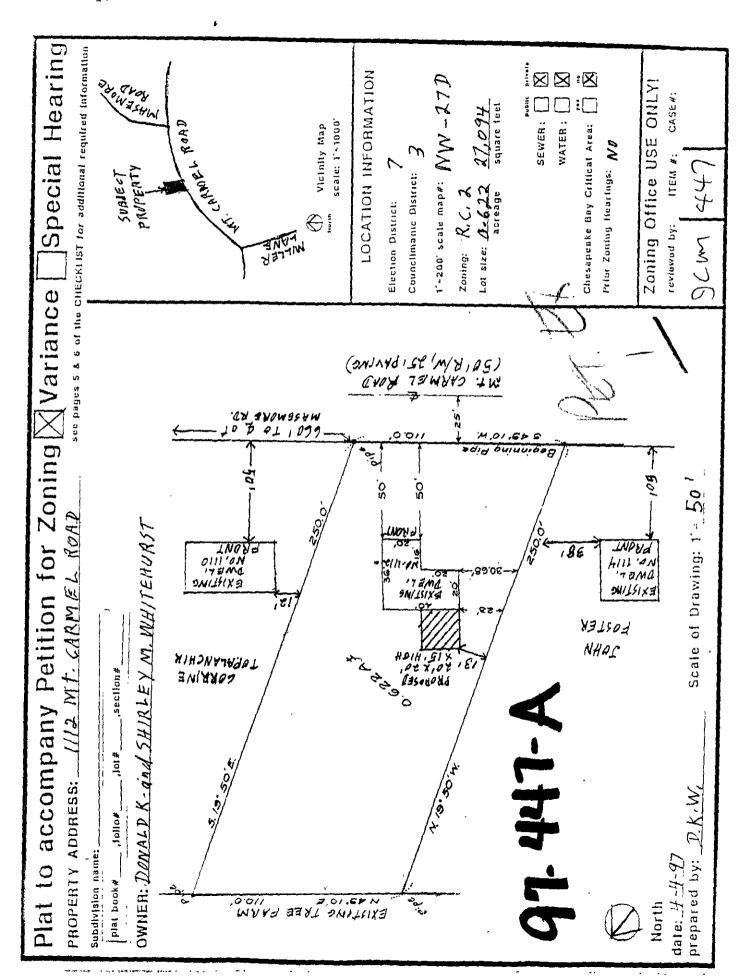
100

Ronald Burns, Chief

**Engineering Access Permits** 

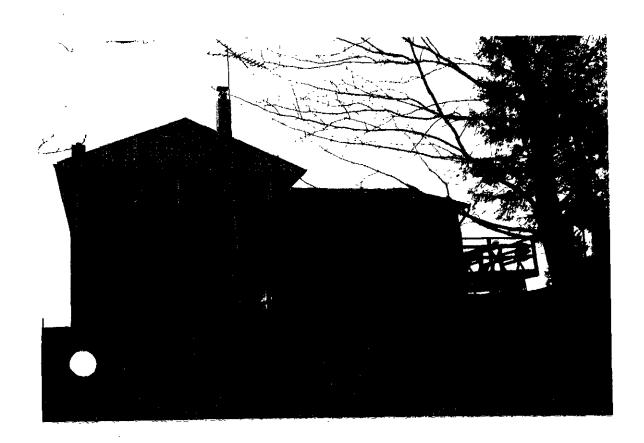
Division

LG











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